

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ROBERTA TRUJILLO,	)	
	)	
Plaintiff	)	
	)	
v.	)	No. 3:13-1386
	)	Judge Campbell/Bryant
	)	<b>Jury Demand</b>
MARSHALL PROPERTY MANAGEMENT,	)	
LLC, <i>et al.</i> ,	)	
	)	
Defendants	)	

TO: THE HONORABLE TODD J. CAMPBELL

**REPORT AND RECOMMENDATION**

Pending in this case is Defendant Marshall Property Management, LLC's motion to dismiss for failure to prosecute and for failure to comply with an order of the court (Docket Entry No. 31). Plaintiff Trujillo, who is now proceeding *pro se*, has not responded in opposition.

For the reasons stated below, the undersigned Magistrate Judge recommends that Defendants' motion to dismiss be granted.

**SUMMARY OF PERTINENT PROCEDURAL HISTORY**

Plaintiff Roberta Trujillo has filed her complaint alleging employment discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 and the Tennessee Human Rights Act (Docket Entry No. 5).

On June 23, 2004, the Court granted Plaintiff's counsel's motion for leave to withdraw and granted Plaintiff Trujillo 30 days within which to attain new counsel or otherwise notify the Court of the status of her representation (Docket Entry No. 19). No new lawyer has entered an appearance for Plaintiff.

In order to determine the status of this case and Plaintiff's intentions, the undersigned Magistrate Judge scheduled a telephone conference with the parties on August 11, 2014 (Docket Entry No. 26). Plaintiff Trujillo failed to call in, either personally or by counsel, nor did she make any other attempt to inform the Court concerning her intentions regarding her lawsuit. Thereafter, the undersigned ordered Ms. Trujillo to file by September 15, 2014, a written statement of her intentions regarding the further prosecution of this case. This order admonished Plaintiff that her failure to respond may cause the undersigned Magistrate Judge to recommend that her complaint be dismissed for failure to prosecute (Docket Entry No. 29). Despite this order, Plaintiff Trujillo has failed to make any response.

For the reasons stated above, the undersigned Magistrate Judge finds that Defendant's motion to dismiss for failure to prosecute should be granted and the complaint dismissed.

#### **RECOMMENDATION**

For the reasons stated above, the undersigned Magistrate Judge recommends that Defendant Marshall Property Management, LLC's motion to dismiss for failure to prosecute should be granted and that the complaint should be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said

objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

**ENTER** this 6th day of November, 2014.

/s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge